

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

FRANK SKYM, et al.,)
)
 Plaintiffs,)
)
 v.) No. 04-5105-CV-DW
)
 BURLINGTON NORTHERN AND)
 THE SANTA FE RAILROAD COMPANY,)
)
 Defendant.)

ORDER

On December 7, 2006, this Court entered an Order to Show Cause requiring Plaintiffs to update the Court as to the status of the case within ten days or risk dismissal for failure to prosecute. (Doc. 21). Plaintiffs failed to contact the Court in any manner.

Further, as stated in Defendant's Motion to Dismiss for Lack of Prosecution (Doc. 22), Plaintiffs failed to exchange the mandatory disclosures under Federal Rule of Civil Procedure 26(a)(1). Plaintiffs also failed to file the witness list, deposition designations, and proposed jury instructions required by this Court's April 4, 2005 Trial Order.

Accordingly, the above-captioned case is hereby DISMISSED for failure to prosecute and failure to comply with a court order. Fed. R. Civ. Proc. 41(b).

IT IS SO ORDERED.

Date: December 19, 2006

/s/ DEAN WHIPPLE

Dean Whipple
United States District Court